

MORRISON | FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON FOERSTER LLP
BEIJING, BERLIN, BRUSSELS, DENVER,
HONG KONG, LONDON, LOS ANGELES,
NEW YORK, NORTHERN VIRGINIA,
PALO ALTO, SACRAMENTO, SAN DIEGO,
SAN FRANCISCO, SHANGHAI, SINGAPORE,
TOKYO, WASHINGTON, D.C.

May 12, 2016

Writer's Direct Contact
+1 (415) 268.7178
RKrevans@mofo.com

Via ECF

Hon. District Judge Vince Chhabria
San Francisco Courthouse, Courtroom 4 - 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *California Berry Cultivars, LLC v. The Regents of the University of California*,
Case No. 16-cv-02477-VC (N.D. Cal.)

Dear Judge Chhabria:

On May 10, 2016, this Court requested further briefing from Plaintiff on the issue of whether it could have sought injunctive relief sooner than May 2, 2016. (*See* ECF No. 21.) Defendant seeks leave to supplement the record with Exhibits A, B, C, and D, true and correct copies of which are attached hereto, because these communications are directly germane to the question that the Court posed to CBC, as well as to the University's historic policy on licensing germplasm for breeding purposes.

Respectfully submitted,

/s/ Rachel Krevans

Attachments:

Exhibit A – June 4, 2014 letter from Krevans (outside counsel for UC) to CBC, Shaw, and Larson regarding the Core Strawberry Germplasm (referred to therein as “TRP”)

Exhibit B – March 23, 2015 email from Delany (Executive Associate Dean of UC Davis College of Agriculture and Environmental Sciences) to CBC regarding Transition Cultivars and Core Strawberry Germplasm

Exhibit C – March 24, 2016 letter from Appelsmith (Chief Campus Counsel for UC Davis) to CBC regarding Transition Cultivars and Core Strawberry Germplasm (referred to therein as “TC” and “CSG”)

Exhibit D – August 3, 1999 letter from Shaw to Voelker (Associate Director of UC Office of Technology Transfer) regarding germplasm licensing